

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARK N. BROOKS,

Petitioner,

v.

J. L. NORWOOD, Warden,

Respondent.

NO. CV 08-4376 PSG (FMO)

**ORDER DISMISSING ACTION WITHOUT
PREJUDICE**


On July 2, 2008, Mark Brooks ("petitioner"), who is currently incarcerated at the United States Penitentiary – Victorville in Adelanto, California, filed this action as a Petition for Writ of Habeas Corpus by a Person in Federal Custody ("Petition") pursuant to 28 U.S.C. § 2241. For the reasons set forth below, the Petition is dismissed without prejudice.

In his Petition, petitioner appears to challenge the same detainer placed against him by Contra Costa County set forth in his Petition for Writ of Habeas Corpus by a Person in Federal Custody filed on June 26, 2008, in Case No. 08-4223 PSG (FMO) ("Prior Petition"), (compare Petition at 3 with Prior Petition at 3), which was dismissed without prejudice on July 2, 2008. The instant action is subject to dismissal because it is duplicative of the action set forth in the Prior Petition. See Adams v. Cal. Dep't of Health Servs., 487 F.3d 684, 688 (9th Cir.), cert. denied, 128 S.Ct. 807 (2007) (Dismissal of a duplicative suit is an appropriate remedy because petitioners "generally have no right to maintain two separate actions involving the same subject matter at the

1 same time in the same court and against the same [respondent].") (internal quotation marks and
2 citations omitted).

3 Based on the foregoing, IT IS ORDERED THAT this action is dismissed without prejudice.

4 DATED: 7/10, 2008.

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6 PHILIP S. GUTIERREZ
7 UNITED STATES DISTRICT JUDGE
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